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E2 word
number of peptides each containing at least one immunodominant T-cell epitope which is ~~foreign~~ to the animal species, said substitution being carried out so as to essentially preserve the overall tertiary structure of the unmodified self protein.--

R E M A R K S

Upon Entry of the above amendment claims 26 and 28-44 will be pending in the application. The newly added claims are directed to methods of inducing antibodies wherein such antibodies are further defined as being useful in specific therapies. Such claims form the subject of the present invention and should be examined in the present application.

Although Applicants hereby elect claims of Group VI, such an election is made with traverse, for the following reasons.

(1) Under 35 U.S.C. 121, separate inventions must be independent and distinct.

The Examiner has failed to make a proper restriction requirement in accordance with 35 U.S.C. 121. In making out a

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restriction requirement the burden is on the Examiner to show that the claims defining separate inventions are independent and distinct. The Examiner has only presented reasons why he considers the claims to be distinct.

(2) Claims of Group II and Group III.

The Examiner has stated (in item 21) that the products of groups [I] III and II are structurally and functionally different and have different uses. Such a statement is an unsupported allegation and is without effect.

The Examiner has stated that the conjugate composition contains a cytokine which is not found in the modified self-protein composition. It is not understood why this should render these claims independent and distinct. Claims 18-21 are compositions of claim 16 which further require that the modified self protein be fused to at least one suitable, immunologically active cytokine. Not only is it common practice for a dependent claim like claim 18 to include a feature not defined in the claim from which it depends i.e. the cytokine, but clearly there would be no undue burden on

Anspruch 27 wurden die Worte „at least one“ durch „one or a plurality“ ersetzt.

Anspruch 28 entspricht dem ursprünglichen Anspruch 12, wobei als

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the Examiner to search claims directed to compositions containing modified self-proteins and compositions containing the same modified self proteins and at least one cytokine.

The reasons given in (1) above are applicable to claims of groups II and III.

(3) Claims of Group I and Group II

Reconsideration of the Examiner's division of claims 13-15 (group I) and claims 16,17 and 27 (group II) as being distinct because the claimed product of group II claims can be made by another and materially different process than that of group I claims is respectfully requested. Clearly, to properly carry out a search relating to the product of group II claims, it would be necessary to search the classes relating to methods used to make such products. Therefore, there is no undue burden placed on the Examiner to carry out searches for claims in both of these groups. A search of one group should include a search of the other group and vice versa.

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Further, it is noted that the Examiner has given no weight to the limitation in claim 16 that the self protein is modified according to claim 13 rather than by chemical synthesis using known art methods of peptide synthesis.

(4) Claims of Group I and III.

The same reasons apply as for items (1) and (3) above.

Rights of the Applicant

Applicant retains the right to Petition a Restriction Requirement which is made final and to file divisional applications to the non-elected claims.

Request for an Interview

Applicants filed a Preliminary Amendment on August 19, 1998 which addressed previous issues in the parent application. Applicants hereby request an Interview to discuss those issues with the Examiner, prior to the issuance of any Action on the merits in this application.

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The Examiner is asked to call the undersigned at the number indicated below to set up an appropriate interview time.

Examination of the above-captioned application is eagerly awaited.

Respectfully submitted,

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Atty. Docket No.: 162/P58774US3
Date: November 30, 1998

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